

The Honorable Jamal N. Whitehead

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

VALVE CORPORATION,

Plaintiff,

v.

THOMAS ABBRUZZESE et al.,

Defendants.

No. 2:24-CV-1717-JNW

**DECLARATION OF SCOTT LYNCH IN
OPPOSITION TO MOTIONS TO
CONFIRM ARBITRATION AWARDS
(DKTS. 88-91)**

I, Scott Lynch, declare as follows:

1. I am the Chief Operating Officer for Plaintiff Valve Corporation (“Valve”) in the above-captioned matter. I submit this declaration in Opposition to the Motions to Confirm Arbitration Award filed by movants Greg Fish, Jeremy Lucas, Ethan Lefebvre, and Christian Graber (collectively, “Movants”) (Dkts. 88-91). I make this declaration based on my personal knowledge and, if called upon to do so, would testify competently hereto.

A. Valve, Steam, and the SSA

2. Valve is a video game developer, publisher, and digital distribution company. Valve offers an online platform called Steam, where consumers can purchase, play and interact with their friends about video games.

3. For an individual to create a Steam account and become a Steam user, he or she must first agree to a Steam Subscriber Agreement (“SSA”).

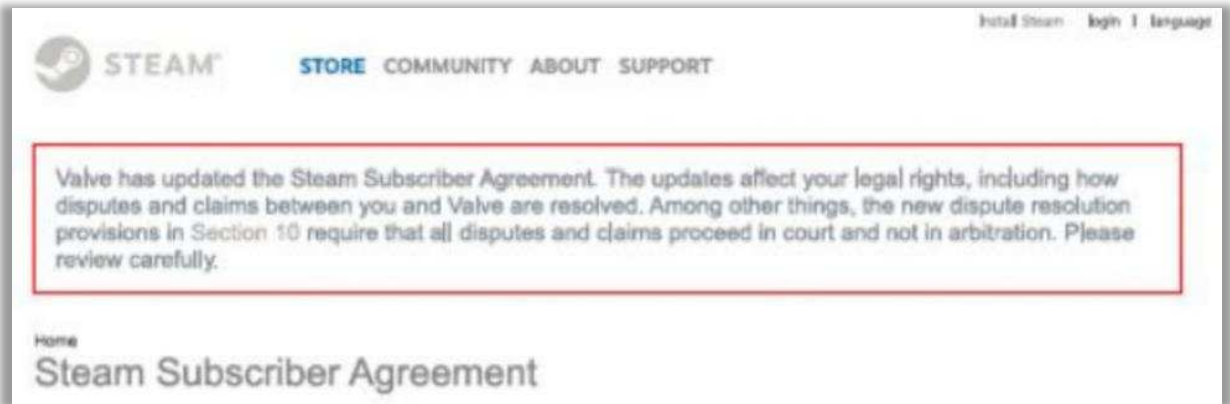
1 4. Valve does not collect a user's name, physical address, or phone number when he or
2 she creates a Steam account.

3 5. In 2012, Valve added to the SSA an arbitration agreement providing that, with limited
4 exceptions, users and Valve "agree to resolve all disputes and claims between us in individual binding
5 arbitration" with the AAA. The most recent version of the SSA containing that arbitration agreement
6 became effective on April 25, 2023 (the "Superseded SSA").

7 **B. Valve Replaces the Superseded SSA with the Controlling SSA**

8 6. On September 26, 2024, Valve removed the arbitration agreement and class action
9 waiver from the SSA. A true and correct copy of the current version of the SSA without an arbitration
10 agreement or a class action waiver (the "Controlling SSA") is attached hereto as Exhibit A. It is also
11 available at https://store.steampowered.com/subscriber_agreement/.¹

12 7. When Valve launched the Controlling SSA, Valve inserted a prominent banner at the
13 top of the agreement. The banner is set forth below.



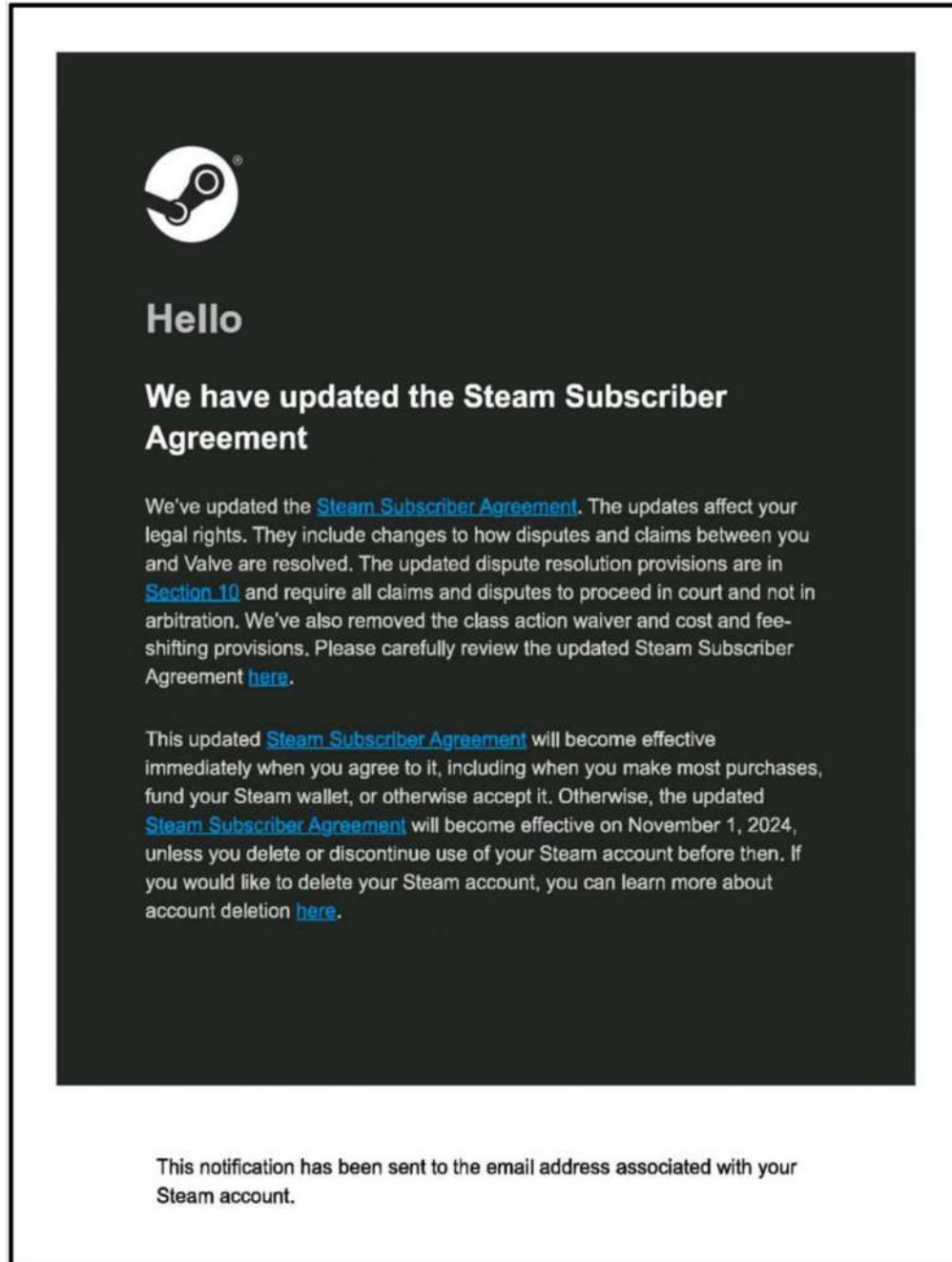
22 8. Valve also provided notice of the change to the SSA to Steam users in three other
23 ways.

24

25

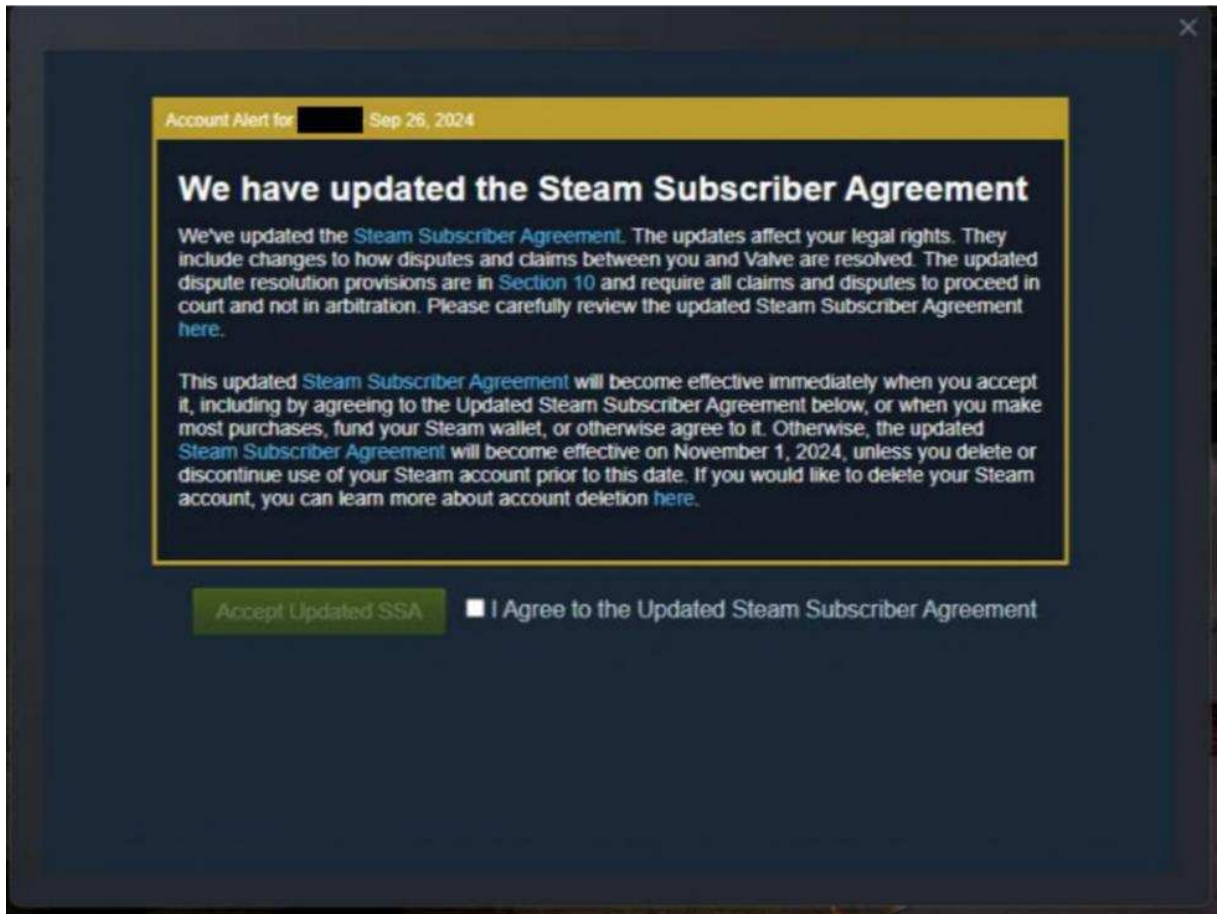
26 ¹ Valve updated the Controlling SSA on September 18, 2025. That update did not modify the
27 dispute resolution provision for U.S. customers and is not relevant to this motion.

9. First, beginning on September 26, 2024, Valve provided the email notice shown below to all U.S. Steam users (including Movants) of the change to the SSA (the “Email Notice”), sending the notice to the email address of record for their Steam accounts. The Email Notice specifically called out changes to the dispute resolution provision:



1 10. The Email Notice included multiple links to the full text of the Controlling SSA,
2 shown in blue text above.

3 11. Second, beginning on September 26, 2024, Valve provided notice of the new
4 agreement through the below pop-up that appeared on the Steam client (the “Pop-Up Notice”). The
5 Pop-Up Notice provided:

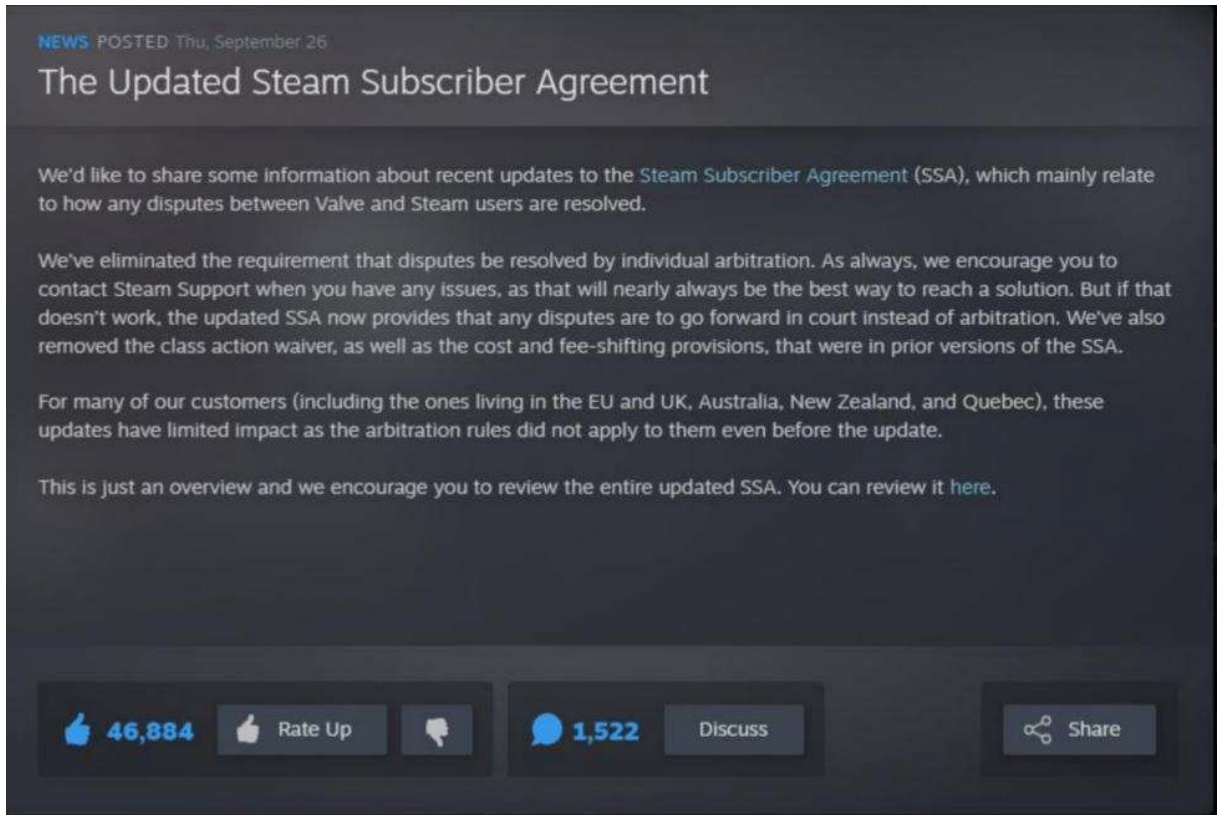


21 12. In addition to calling out the changes to the dispute resolution provision, the Pop-Up
22 Notice included multiple links to the full text of the Controlling SSA, shown in blue text above.

23 13. The Pop-Up Notice enabled users to agree to the Controlling SSA by checking a box
24 stating: “I Agree to the Updated Steam Subscriber Agreement” then clicking “Accept Updated SSA.”

25 14. Alternatively, users could close the Pop-Up Notice without agreeing to the
26 Controlling SSA, as indicated by the “X” at the top right corner of the pop-up.

1 15. Third, beginning on September 26, 2024, Valve published the below blog post on the
2 Steam platform providing notice of the change to the SSA, available at
3 <https://store.steampowered.com/news/app/593110/view/4696781406111167991> (the “Blog Post”).
4 The Blog Post provided:



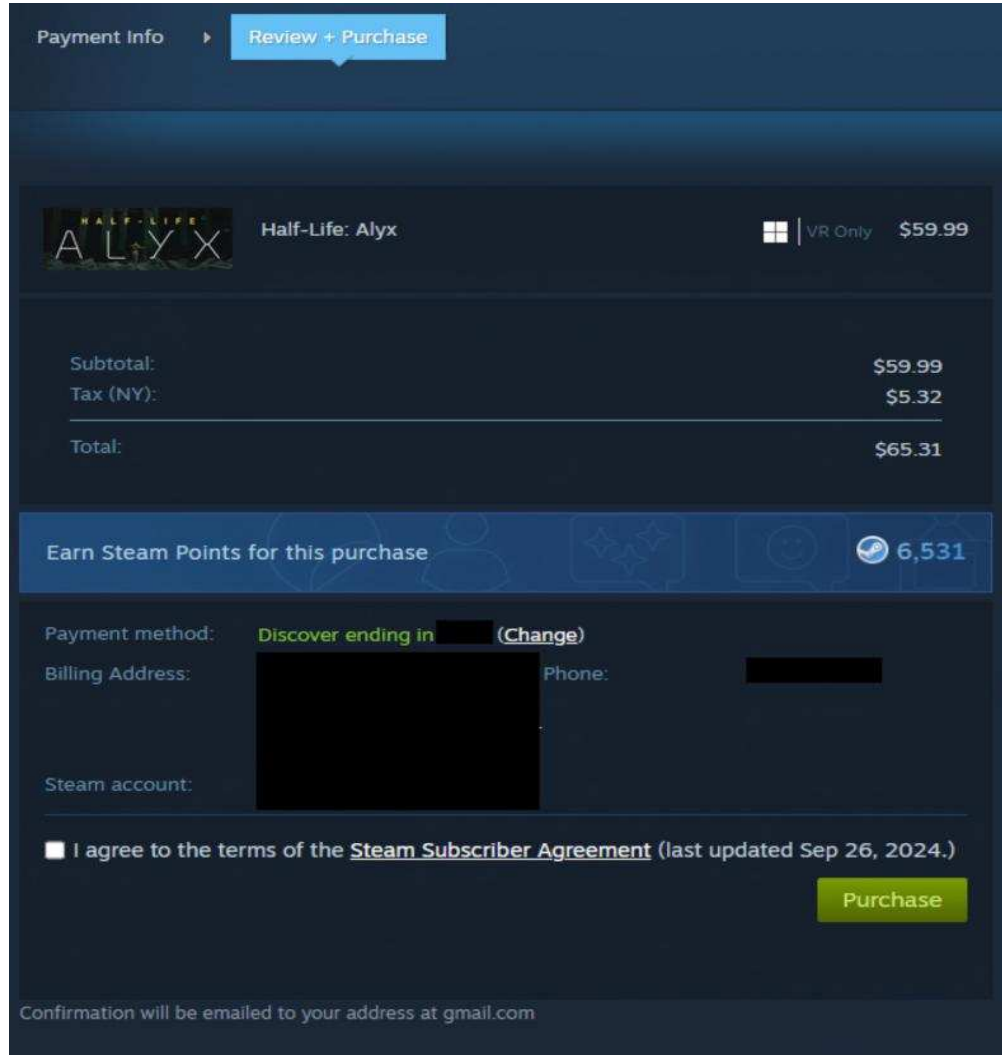
19 16. The Blog Post included multiple prominent and easily accessible links to the full text
20 of the Controlling SSA, shown in blue text above.

21 17. A “Steam Wallet” contains funds that may be used for the purchase of any game on
22 Steam or within a game that supports Steam transactions.

23 18. Users must accept the Controlling SSA every time they fund their Steam Wallet or
24 make a purchase on Steam itself² after September 26, 2024.

25
26 ² As opposed to a purchase made using Steam Wallet funds from within a game launched through
27 Steam.

1 19. Consistent with the Email Notice and Pop-Up Notice, when a user makes a purchase
2 on Steam, the user is presented with an unchecked box requiring the user to check the box and accept
3 the Controlling SSA, which is hyperlinked in white text to the words “Steam Subscriber Agreement”
4 shown below:



Payment Info ▶ Review + Purchase

Half-Life: Alyx VR Only \$59.99

Subtotal: \$59.99
Tax (NY): \$5.32
Total: \$65.31

Earn Steam Points for this purchase 6,531

Payment method: Discover ending in [redacted] (Change)
Billing Address: [redacted] Phone: [redacted]
Steam account: [redacted]

☐ I agree to the terms of the [Steam Subscriber Agreement](#) (last updated Sep 26, 2024.)


Purchase

Confirmation will be emailed to your address at gmail.com

22 20. Consistent with the Email Notice and Pop-Up Notice, when a user funds their Steam
23 Wallet, the user is presented with an unchecked box requiring the user to check the box and accept
24 the Controlling SSA, which is hyperlinked in white text to the words “Steam Subscriber Agreement”
25 shown below:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

Payment Info ▶ Review + Purchase

 To be added to your Steam Wallet \$5.00

Subtotal: \$5.00

Total: \$5.00

Payment method: Discover ending in [REDACTED] (Change)

Gift options: None; this purchase is for your own account.

Billing Address: [REDACTED] Phone: [REDACTED]

Steam account: [REDACTED]

☒ I agree to the terms of the [Steam Subscriber Agreement](#) (last updated Sep 26, 2024.)

Purchase

Confirmation will be emailed to your address at gmail.com

20 **C. Movants Affirmatively Agreed to the Controlling SSA**

21 21. There are four claimants who brought arbitrations against Valve before the American
22 Arbitration Association that were assigned to Arbitrator Frances Floriano Goins: (i) Greg Fish,
23 (ii) Jeremy Lucas, (iii) Ethan Lefebvre, and (iv) Christian Graber. The Arbitrator issued an Interim
24 Award and a Final Award in each of Movants' arbitrations. I am informed that counsel for Movants
25 provided Steam IDs they allege belong to the Movants. As explained in ¶ 4, Valve does not collect
26 a user's name when they create a Steam account. Below, I assume that the Steam IDs provided by

1 counsel for Movants belong to them, but do not have personal knowledge as to whether they are in
2 fact the owners of these accounts.

3 **(i) Movant Greg Fish**

4 22. Based on Valve's business records, on September 27, 2024, Movant Greg Fish
5 accepted the Controlling SSA by checking a box in the Pop-Up Notice stating: "I Agree to the
6 Updated Steam Subscriber Agreement" then clicking "Accept Updated SSA."

7 23. Since then, Movant Fish has made numerous purchases on Steam. Each time he made
8 a purchase on Steam, he checked the box next to "I agree to the terms of the Steam Subscriber
9 Agreement (last updated Sep 26, 2024)" and clicked the "Purchase" button, thereby re-affirming his
10 agreement to the Controlling SSA.

11 **(ii) Movant Jeremy Lucas**

12 24. Based on Valve's business records, on September 27, 2024, Movant Jeremy Lucas
13 accepted the Controlling SSA by checking a box in the Pop-Up Notice stating: "I Agree to the
14 Updated Steam Subscriber Agreement" then clicking "Accept Updated SSA."

15 25. Since then, Movant Lucas has made numerous purchases on Steam. Each time he
16 made a purchase on Steam, he checked the box next to "I agree to the terms of the Steam Subscriber
17 Agreement (last updated Sep 26, 2024)" and clicked the "Purchase" button, thereby re-affirming his
18 agreement to the Controlling SSA.

19 **(iii) Movant Ethan Lefebvre**

20 26. Based on Valve's business records, on September 27, 2024, Movant Ethan Lefebvre
21 accepted the Controlling SSA by checking a box in the Pop-Up Notice stating: "I Agree to the
22 Updated Steam Subscriber Agreement" then clicking "Accept Updated SSA."

23 27. Since then, Movant Lefebvre has made numerous purchases on Steam. Each time he
24 made a purchase on Steam, he checked the box next to "I agree to the terms of the Steam Subscriber
25 Agreement (last updated Sep 26, 2024)" and clicked the "Purchase" button, thereby re-affirming his
26 agreement to the Controlling SSA.

(iv) **Movant Christian Graber**

28. Movant Christian Graber is bound by the Controlling SSA pursuant to the terms of the Email Notice and Pop-Up Notice because he did not delete or discontinue use of his Steam account by November 1, 2024.

29. Based on Valve's business records, Movant Graber did not delete or request to delete his Steam account before November 1, 2024.

30. Based on Valve's business records, Movant Graber logged into Steam on November 14, 2024, and more than 180 times between that date and May 18, 2025.

31. Based on Valve's business records, on May 18, 2025, Movant Graber affirmatively accepted the Controlling SSA when making a purchase on Steam by checking the box next to "I agree to the terms of the Steam Subscriber Agreement (last updated Sep 26, 2024)" and clicking the "Purchase" button.

D. All Elite Wrestling and Sony Distribute Games on Steam

32. All Elite Wrestling is a developer on Steam that offers the "AEW: Fight Forever" line of games.

33. Sony Interactive Entertainment, which runs the PlayStation store, is one of Valve's competitors in distribution of games. PlayStation Studios is also a major game developer, with 21 for-purchase games on Steam, including leading titles such as "God of War: Ragnarok," "Helldivers 2," and the "Spiderman" franchise of games.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 30th day of September, 2025, at Bellevue, Washington.

DocuSigned by:

Scott Lynch

E15DE3B2F05941C...

Scott Lynch